

PROVO RIVER DISTRIBUTION SYSTEM

Minutes of Annual Meeting

January 16, 1962



A meeting of the Board of Directors of the Provo River Distribution System, timely and legal notice thereof having been given to all members, was called to order by Chairman Niels Andersen at 10 a.m. in the City Commission Chambers of the City and County Building at Provo, Utah, on January 16, 1962.

On roll call the following were present:

Niels Andersen, Orem	Chairman
Ira J. Page, Kamas	Vice Chairman
Earl Condor, Provo	Secretary
Floyd Bonner, Midway	Director
Sherman A. Giles, Heber	"
Hampton C. Godbe, Salt Lake	"
Ernest Knight, Kamas	"
Stanley H. Roberts, Provo	"
Elmer A. Seal, Riverton	"

Also present were: Alma Huber, Midway; Cyril M. Hicken, Heber City; Reid L. Wayman, Payson; R. Keith Higginson, Utah State Engineer's office; B. Harold Mendenhall, Provo River Water Users Association; Frank Reese, Chief accountant, Utah State Engineer's Office; Clarence E. Erickson, Jr., distribution engineer and Donald C. Norseth, both of the State Engineer's office; Wallace R. Wayman, Provo River Commissioner, and Isaac F. Baum, deputy commissioner.

Chairman Andersen announced that the purpose of the meeting was to transact business of the river system, hear annual reports from the State Engineer's office, determine an operating budget and 1962 assessments, and to recommend the appointment of a Commissioner and a deputy or deputies for 1962.

At request of the Chairman, Secretary Condor read the minutes of the board meeting held at 10 a.m. Tuesday, January 17, 1961. On motion duly made and seconded, with all present voting aye, the minutes were adopted.

REPORTS FROM STATE ENGINEER'S OFFICE

Mr. Reese reported in detail on river system expenditures for 1961, showing that the system is living within its income and is in a sound fiscal position. He explained that, although not budgeted, it was necessary to expend 4% of the commissioner and deputy commissioner's salaries beginning July 1, 1961 to the Utah State Public Employees' Retirement System each month under the retirement program enacted by the 1961 state legislature. He reported also that efforts to obtain lower premium rates on the fidelity bonds were unsuccessful; that delinquencies on assessment payments totalled only \$67.07, most of which was in items of \$5 or less. He explained a special, reimbursable

payment of \$1500 on behalf of the Class A users, details of which were covered later in the meeting by Mr. Norseth. Mr. Reese said also that river system funds will continue to be handled by the State Engineer rather than the State Treasurer.

Mr. Norseth explained that, authorization so to do having been obtained first from all members of the river system board of directors, \$1500 was disbursed during 1961 from the river system fund and paid to the Provo River Project to enable storage in Deer Creek reservoir of Class A water as a drouth relief emergency measure. Storage of the water enabled a uniform rate of delivery to the users which otherwise would have been impossible, and thus contributed to the maximum beneficial use of the water, he explained. Since the Class A users are not an incorporated legal entity it was not possible for them to make a loan through usual channels, hence use of the \$1500 was allowed on the understanding that it would be repaid to the system in full during 1962 through special assessment on the Class A users.

In following discussion it was brought out that 1961 reservoir storage was permitted only as a drouth emergency measure; that flow rights in the river cannot be converted to storage rights as a matter of law; and the practice allowed in 1961 as a voluntary gesture of good will on the part of the Provo River Water Users Association and condoned by the State Engineer in view of the seriousness of the drouth, probably will not ever recur in the future.

Upon motion duly seconded and with all present voting aye, the financial report by Mr. Reese was approved and accepted for filing.

Upon motion by Mr. Godbe, seconded by Mr. Seal and with all present voting aye, the board ratified the special disbursements for retirement costs and the \$1500 payment on behalf of Class A users, with reimbursement to be made to the river system fund during 1962 by special assessment on the Class A users.

INVESTMENT OF TEMPORARILY IDLE FUNDS

Mr. Bonner inquired if it would be feasible to invest at interest temporarily idle funds of the system. Mr. Reese replied that it not only would be impractical but would greatly add to work of the State Engineer's office in administering river system funds, for which administration no charge is made. As example, he said that while the Provo River system had \$5,113.01 on hand at Dec. 31, 1961, this money must be drawn upon at a rate of more than \$1000 per month to meet costs until collection of current year assessments begins at the end of April. The amount of money on deposit hence varies greatly from month to month. He observed also that short term investments would involve action by the State Treasurer, whereas the board of directors has felt it advisable, in the interest of economy, to keep the finances in the hands of the State Engineer's office.

ELECTION OF OFFICERS

Mr. Condor requested that the Board relieve him of candidacy for reelection as secretary, pointing out that he has served in that capacity for a long term of years and that he felt it was time for someone else to assume the task, which at times is burdensome.

The following thereupon were nominated for office and elected by unanimous vote:

Chairman -- Niels Andersen
Vice Chairman -- Ira J. Page
Secretary -- Hampton C. Godbe

On behalf of the Board, Chairman Andersen expressed thanks and appreciation to Mr. Condor for his many years of secretarial service. The newly elected officers thereupon assumed their duties.

COMMISSIONER'S ANNUAL REPORT

The annual report of Mr. Wayman as Provo River Commissioner for 1961 was received and ordered filed for further discussion. On behalf of the Board, Chairman Andersen expressed commendation to Mr. Wayman for his promptness in having completed the report so soon and in having it ready for the Board meeting, the first time this feat has been achieved. Mr. Wayman then read from his recommendations as contained in the report, action on which occurred later in the meeting.

LAKE BOTTOM CANAL COMPANY

Recommendation having been made by Commissioner Wayman so to do, the following motion was duly made, seconded by Mr. Seal, and adopted by unanimous vote:

Resolved, that the State Engineer shall be asked to continue for another two years the assessment basis and cooperative measures followed in 1961 with the Lake Bottom Canal Co., with the minimum assessment to be \$3.00.

REAPPOINTMENT OF MR. WAYMAN AND MR. BAUM

Upon motion by Mr. Godbe, seconded by Mr. Seal and with all present voting aye, the following resolution was adopted:

Resolved, that it shall be and it is the recommendation of the Board of Directors of the Provo River Distribution System that the State Engineer re-employ, at the same salaries and expense allowances as for 1961, Wallace R. Wayman as Commissioner and Isaac F. Baum as Deputy Commissioner during the year 1962.

CONTRACT EMPLOYMENT OF TRAINEE-COMMISSIONER

Commissioner Wayman reported that in view of the extensiveness and the complexity of administering the Provo River System he felt that steps should be taken to train, through at least two days of work each month, someone of competence to be available in case of the absence or disability of either himself or Mr. Baum. He said also that he had discussed the matter with Mr. Giles, and that Mr. Giles, who is now watermaster on the Wasatch Canal and hence has familiarity with watermaster's work, had indicated that he would be willing to undertake

such training and assistance, in return for a per diem contract charge instead of a wage or salary.

In the following discussion Mr. Bonner and Mr. Knight urged that instead of paying a trainee, efforts be made to locate some young man who would be willing to undergo training on a voluntary basis without pay, on the understanding that if a vacancy occurred he would then be given paid employment. Others on the board pointed out that this had been tried in other systems and that the results have not been satisfactory; that without pay, the younger men rapidly lost interest. In response to questions, Mr. Giles said under no circumstances would he consider the position if it were to be implied that he was seeking to displace either Mr. Wayman or Mr. Baum; but on the understanding that he would be in training solely as a replacement in the event of disability or death, then in that event he would be glad to cooperate but that he could not afford to train for a payment of \$7 a day, as suggested by Mr. Wayman. After discussion, he said he felt that \$10 per day would be agreeable. Some of the Board members said they felt that services only two days a month would not be sufficient for adequate training, in view of the complexity of the system and the water rights under it. After further discussion, adoption of the following resolution was moved by Mr. Godbe:

Resolved, that in the 1962 budget a fund of \$200 be created for contract services; and that the Commissioner shall be and he is hereby authorized and directed to employ Sherman A. Giles as a trainee-commissioner at least two days of each month, payment to be made on Mr. Giles' billing from time to time at a contract rate of \$10 for each day so worked by him.

The motion was seconded by Mr. Condor and adopted by majority vote of the board. Negative votes were cast by Mr. Page and Mr. Knight, in the feeling that the Board should have persisted in efforts to find someone willing to train without pay.

INSTALLATION OF NEW MEASURING DEVICES

Commissioner Wayman said that installation of measuring devices as noted in the inventory of requirements included in his annual report moves slowly because of the expense involved and other factors, but that he and the State Engineer's office were doing all within their power to expedite the program. Mr. Norseth said the State Engineer's office would continue to do all it could toward the end of meeting measuring needs.

NON-TRIBUTARY RECORD KEEPING

Commissioner Wayman reported that costs estimated at \$105 for services and mileage were incurred and paid by the river system in 1961 in keeping records for the Bureau of Reclamation on Lake Creek, Middle Fork and Daniels Creek, which are not tributary to the Provo River.

Mr. Bonner pointed out that at the board meeting in January of 1961 a resolution had been adopted that such record-keeping be

abandoned. After discussion it was moved, seconded and unanimously voted that the following resolution be adopted:

Resolved, that either Commissioner Wayman or Chairman Andersen notify the Bureau of Reclamation that, in the absence of any prior agreements in the matter, records on Lake Creek, Middle Creek and Daniels Creek will no longer be kept by the Provo River Commissioner, and to seek reimbursement to the river system fund by the Bureau of the \$105 charges incurred during 1961.

RECESS OF MEETING

The hour now being 12:20 p.m., representatives of the State Engineer said they had another meeting coming up at 2 p.m. and with still another river system meeting to follow in the evening, and asked the Board's pleasure in the matter. After discussion, the Chairman ordered that a recess be taken for one hour, since it was not essential for all or any of the State Engineer's representatives to be present for remaining business, and also to allow ample time in the afternoon for a full airing of any questions or complaints in regard to river system administration.

The meeting thereupon recessed, and reconvened at 1:20 p.m.

ADOPTION OF BUDGET

Adoption of an operating budget for 1962 was proposed by the Commissioner and the individual items discussed. After discussion, and upon motion of Mr. Seal, seconded by Mr. Page and with all present voting aye, the following budget was adopted:

Budget for 1962

<u>1962 Budget item No.</u>	<u>Description of Item</u>	<u>Amount Approved For 1962</u>
1	Commissioner's salary	\$ 5,600.00
1-B	Matching social security	150.00
1-F	Retirement, for Commissioner & Deputy	385.28
2	Deputy Commissioner's salary	4,032.00
2-B	Matching social security	126.00
3	Office rent	180.00
4	Travel (9¢ mile)	1,800.00
5	Field Equipment	50.00
6	Office equipment & supplies	150.00
7	Commissioner's annual report	125.00
8	Telephone expense (Communications)	225.00
9	Board of Directors' expenses & allowances	500.00
10	Bonds & Insurance premiums	60.00
11	Miscellaneous expenses	116.72
12	Contract services	200.00

Total budget for 1962 \$ 13,700.00

*5 This budget
adopted for
1963 with
small
insurance
item*

In adopting the budget, the Board reaffirmed its previous decision setting the minimum assessment at \$3.00 per year.

POWER COMPANY ASSESSMENTS

Chairman Andersen called attention to the fact that while costs of operating the river system have increased several-fold since 1921, the Utah Power & Light Company, the Heber Power Co. and Provo City still pay only nominal fixed amounts as set in the Provo River Decree of 1921. He suggested that steps be taken to obtain more equitable payment by these users.

After discussion, it was agreed that rather than to reopen court action a committee should wait upon these users and request their voluntary cooperation in increasing their share of assessment payments in proportion to the increase of actual costs since 1921.

Upon motion of Mr. Roberts, seconded by Mr. Page and with all present voting aye, Chairman Andersen appointed the following as members of the committee to seek voluntary upward adjustments of assessment payments:

Niels Andersen
E. A. Seal
Hampton C. Godbe

ANNUAL AND OTHER BOARD MEETINGS

Mr. Seal called attention to the length of time being required for a full and free discussion of river affairs, and said he believed henceforth the Board of Directors should plan its meetings to enable complete discussion and resolution of all matters without being pressed for time. The suggestion was discussed, and Mr. Seal thereupon moved adoption of the following resolution:

Resolved, that the Articles of Association of the Provo River Distribution System be amended to provide that the time of the annual meeting shall be 10 a.m. on the second Wednesday of January in each year; and that the State Engineer be requested to adjust his schedule so that the Board of Directors' meeting with him and his representatives can be held on a day following the annual meeting.

The motion was seconded by Mr. Giles and adopted on unanimous vote. Mr. Norseth, representing State Engineer Wayne D. Criddle, said that the Engineer's office would be glad to cooperate with the request. Mr. Norseth also complimented the Board for its decision to allow more time for complete discussions as a means of enabling greater familiarity with river problems, and to that end to have its annual meeting preliminary to that with the State Engineer.

INVITATION TO PUBLIC TO ATTEND MEETINGS PUT ON LIMITED BASIS

A suggestion was made from the floor that the Board of Directors invite all users in the Provo River System to attend the annual board

meeting as a means of enabling better understanding. After discussion, it was the consensus of the Board that water users should attend their District meetings as provided by the Articles of Association; but that each member of the Board should inform the groups he represents that the Board as a whole will always be willing to hear at its annual meetings any water user who desires to attend to present complaints or seek information of any kind relating to the river system operations. Secretary Godbe said that in issuing notices of the next annual meeting he would incorporate a reminder of the Board's position in this respect.

The time now being 1:50 p.m., those representatives of the State Engineer's office who still remained asked to be, and were, excused.

RIVER LOSSES -- DISCUSSION

Mr. Roberts called attention to the fact that while Commissioner Wayman made no recommendation, he nevertheless had reported his conclusions that instead of 4% the actual river losses as noted in page V of his annual report are 15.6% or 1.2% per mile. There followed detailed discussion, during which, at request of the Chairman, Mr. Mendenhall drew blackboard diagrams and gave a detailed explanation of how and why the 4% loss figure came into being, why this loss per centage was agreed to by the Provo River Project, and why, in his opinion, sub-surface inflow at certain points of the river make it a practical impossibility under present conditions to even approximate the true losses. At request of the Chairman, Mr. Mendenhall said he would be glad to prepare a written memorandum for the Board of his explanations as a matter of river system record.

LOSS OF NATURAL FLOW WATER - DISCUSSION

Board members from the Heber-Kamas area asked why the natural flow of the Provo River should be sharply reduced each time head-of-the-river storage water is added to the stream. In the following discussion it was brought out that the actual natural flow of necessity must remain constant, but that when storage water is added individual diverters fail to raise their headgates accordingly, and hence take more water than they are entitled to; and since the storage water is accountable to the owners thereof, the water improperly taken can only be charged against natural flow. In hearing this explanation, the Board made it plain that it was not being critical of the Commissioner or his Deputy in view of the practical impossibility of either or both of them being on hand at all times to see that the correct diversions are being made by users.

ADJOURNMENT

The time now being 3 p.m., and with no further business before it, the Board adjourned on motion of Mr. Giles, duly seconded and with all present voting aye.

Approved:

/s/ Niels Andersen
Niels Andersen, Chairman

Hampton C. Godbe
Hampton C. Godbe
Secretary